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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/076,258

02/12/2002

Dror Koren

50325-0608

8583

29989 7590 10/05/2007  
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EXAMINER

DUONG, DUC T

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

10/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/076,258

**Applicant(s)**

KOREN ET AL.

**Examiner**

Duc T. Duong

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 15-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the computer" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gai et al (US Patent 6,167,445) in view of Jungek et al (US Patent 7,114,008 B2).

Regarding to claims 15, 21, 27, and 33, Gai discloses an apparatus 322 for automatically deploying a quality of service QoS policy to a plurality of network devices 306-318 in a packet network 302 based on a QoS policy template (fig. 3 col. 7 lines 55-

Art Unit: 2616

col. 8 lines 1-5), comprising means 418 for receiving device information that defines location information for each of said plurality network devices (fig. 4 col. 15 lines 5-20); means for receiving interface information defining one or more interfaces associated with each of said plurality of network devices (fig. 4 col. 15 lines 5-20); means 414 for creating and storing one or more QoS policy templates in a database 412 (fig 3 col. 9 lines 59-col. 10 lines 1-9), wherein each of the one or more QoS policy templates indicates one or more QoS policies that associate QoS tools with network device traffic flows (col. 10 lines 36-53); and based on the device information and interface information, means 416 (for determining one or more QoS policy for deployment to each of said plurality of network devices (fig. 4 col. 15 lines 43-54).

Gai fails to teach the device information defines authentication of the network devices.

However, Jungek discloses a system and method for processing packets according to a set of rules, wherein one of the rules specified an authentication for the network devices (fig. 7 col. 41 lines 9-33).

Thus, it would have been obvious to a person of ordinary skill in the art to employ an authentication rule as taught by Jungek into Gai's system for preventing unauthorized network devices accessing or using the network resources.

Regarding to claims 16, 22, 28, and 34, Gai discloses via executing an SNMP (col. 18 lines 15-19).

Regarding to claims 17, 23, 29, and 35, Gai discloses creating and storing a filter for a QoS policy (col. 18 lines 45-65).

Regarding to claims 18, 24, 30, and 36, Gai discloses defining an action for said QoS policy (col. 15 lines 43-54).

Regarding to claims 19, 25, 31, and 37, Gai discloses the one or more QoS policy templates are stored in a centralized, network-wide policy database 326 or another storage device 416 (fig. 4 col. 9 lines 59-63).

Regarding to claims 20, 26, 32, and 38, Gai discloses for generating a list of command line interface ("CLI") commands that correspond to properties for each network device and sending said list of CLI commands to each network device to be implemented (col. 15 lines 17-18, col. 15 line 36, col. 16 line 11, col. 16 line 19, and col. 16 line 52).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2616

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DD  
DD

  
10/11/07  
WING CHAN  
SUPERVISORY PATENT EXAMINER